

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5193

IN THE MATTER OF:

Served September 9, 1997

Application to Transfer)	Case No. AP-97-42
Certificate No. 355 from IRA A.)	
AUSTIN, SR., Trading as IRA'S)	
TRANSPORTATION SERVICE, to IRA'S)	
TRANSPORTATION SERVICE, INC.)	

By application accepted for filing July 17, 1997, Ira A. Austin, Sr., trading as Ira's Transportation Service, (Austin), WMATC Carrier No. 355, and Ira's Transportation Service, Inc. (ITS), a District of Columbia corporation, (collectively applicants), seek Commission approval to transfer Certificate of Authority No. 355 from Austin to ITS. Austin is an officer of ITS. The application is unopposed.

Article XI, Section 11(a), of the Compact governs the transfer of assets, including a certificate of authority, by an unincorporated WMATC carrier in exchange for a controlling interest in a newly formed corporation.¹ A transfer of this nature raises fitness issues only.²

ITS proposes to refile Austin's current tariff as its own and commence operations with one van.

ITS filed a balance sheet as of April 30, 1997, showing assets of \$21,112; liabilities of \$20,020; and equity of \$1,092. ITS's projected operating statement for the twelve months of WMATC operations shows operating income of \$63,400; expenses of \$40,600; and net income of \$22,800. Although ITS is highly leveraged financially, the Commission has found similar applicants financially fit where, as here, transferee shows sufficient current assets and cash flow to cover current expenses and liabilities.³

ITS certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

¹ In re Robert E. Graham, t/a Graham's Transp. Serv., Inc., No. AP-97-16, Order No. 5087 (May 15, 1997).

² Id.

³ See In re Vicar Limo. Serv., Inc., No. AP-96-34, Order No. 4915 (August 26, 1996) (sufficient cash flow); In re TeLaGray Transp. Inc., No. AP-96-33, Order No. 4909 (Aug. 15, 1996) (same).

Based on the evidence in this record, the Commission finds ITS to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements and, therefore, that the transfer of assets, including Certificate No. 355, to ITS is consistent with the public interest.

THEREFORE, IT IS ORDERED:

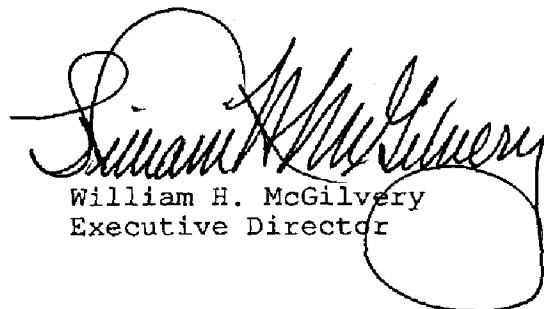
1. That upon ITS's timely compliance with the requirements of this order, Certificate of Authority No. 355 shall be reissued to Ira's Transportation Service, Inc., 1368 Randolph Street, N.W., Washington, DC 20011.

2. That ITS may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 355 has been reissued in accordance with the preceding paragraph.

3. That ITS is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the approval of transfer herein shall be void and the application shall stand denied upon ITS's failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director